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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/575,613
Filing Date: April 11, 2006
Appellant(s): CLASSEN, EGBERT

Andre Pallapies (Reg. No. 62,246)
For Appellants

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 18, 2011, appealing from the Office action mailed March 9, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 11-25 are rejected and pending.

(4) Status of Amendments After Final

The examiner has no comment on the appellants' statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellants' statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellants' brief.

(8) Evidence Relied Upon

GB 2052251	BUTTNER ET AL.	1-1981
4,509,543	LIVINGSTON ET AL.	4-1985

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2052251 to Buttner.

As to claim 11, Buttner discloses an apparatus operable to carry out at least one cleaning process using cleaning liquid (Page 1, lines 5-10). The apparatus comprises an assembly for placing into contact with one another a cleaning liquid and at least one item to be cleaned (Page 1, lines 114-117). A system is provided for controlling the metering of at least one additive, such as a cleaning agent, into the cleaning liquid (Page 1, lines 6-10, 90-94). The system includes a sensor that determines the content of washing-active substances in the cleaning liquid during the cleaning process by measuring the pH, surface tension, or electrical conductivity of the cleaning liquid (Page 1, lines 95-99, 114-129; Page 2, lines 1-50). Buttner teaches that when the sensed content of washing-active substances is below a predetermined value, additional cleaning agent is metered to the cleaning liquid during the cleaning process, so there is inherently a dosing device (Page 2, lines 27-40, 85-90, 102-107). Buttner teaches that the control means controls the supply of water to the machine based on the measurement of the washing-active substances in the cleaning liquid, so it is fully capable of supplying fresh water to the cleaning liquid in the event that the content of washing-active substances is above a predetermined upper value (Page 1, lines 6-10, 82-100).

As to claim 12, Buttner further discloses that the system is regulated as a function of the content of washing-active substances in the cleaning liquid determined by the sensor by means of an electronic control (Page 1, 82-100).

As to claim 13, Buttner further discloses that the sensor is a tensiometer that determines the surface tension of the cleaning liquid, and accordingly the tenside content, by means of a bubble pressure method (Page 1, lines 115-129; Page 2, lines 1-20).

As to claim 14, appellants are reminded that a claim containing a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). The tensiometer disclosed by Buttner is fully capable of being surrounded by liquid in a cleaning process (Page 2, lines 4-7, 46-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15-20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2052251 to Buttner et al.

As to claim 15, Buttner discloses a method for operating an appliance operable to carry out at least one cleaning process using a cleaning liquid (Page 1, lines 5-10). The method comprises determining the content in a cleaning liquid of washing-active substances that are supplied thereinto via the supply of cleaning agent into the cleaning liquid by a cleaning agent supply system (Page 1, lines 82-100, 114-129; Page 2, lines 21-35, 50-60). In the event that the content of washing-active substances is determined to be below a predetermined value, additional cleaning agent is supplied to the cleaning liquid during the cleaning process (Page 1, lines 82-100; Page 2, lines 21-35, 50-60, and 96-107).

Buttner teaches that the controller uses the measured content of washing-active substances in the liquid to control the volume of water supplied to the washing machine and the number of changes of the water (Page 1, lines 82-100 Page 2, lines 21-35, 96-107). It is reasonably expected that this water is fresh water. While Buttner does not expressly disclose that this water is supplied during the cleaning process in the event

that the content of washing-active substances is determined to be above a predetermined upper value, it would have been obvious to one of ordinary skill to supply additional water to the cleaning liquid to correct a potential overdosing of cleaning agent with a reasonable expectation of success (MPEP 2143 E).

As to claim 16, Buttner further discloses that the addition of cleaning agent can be stopped once a pre-determined surface tension, which is indicative of the content of washing active-substances, of the washing liquid has been reached, so it is reasonably expected that the cleaning liquid is continuously sensed or sensed at short time intervals (Page 1, lines 114-129; Page 2, lines 8-14, 46-60). Further, it would have been obvious to one of ordinary skill in the art to modify censoring time intervals through routine experimentation in order to optimize cleaning (MPEP 2144.05 II).

As to claim 17, Buttner further discloses that the content of washing-active substances is determined via electronic means (Page 2, lines 97-107).

As to claim 18, Buttner further discloses that determining the content of washing-active substances in the cleaning liquid is performed with a sensor (Page 2, lines 108-113).

As to claim 19, Buttner further discloses that depending on the content of washing-active substances in the cleaning liquid determined via a sensor, the number of changes of water, which is part of the cleaning process, is determined, meaning that at least part of the cleaning process may be repeated (Page 2, lines 9-20, 115-121).

As to claim 20, Buttner further discloses that the cleaning process may be stopped once a certain surface tension, corresponding to a washing agent

concentration, is reached. For example, a fifth rinsing operation, which is a part of the cleaning process normally performed, may be omitted depending on the content of washing active substances in the cleaning liquid determined by the sensor (Page 2, lines 8-20).

As to claim 23, Buttner discloses a method for operating an appliance that carries out at least one cleaning process using a cleaning liquid (Page 1, lines 5-10). The method comprises supplying a cleaning agent having washing-active substances into the cleaning liquid via a cleaning agent supply system and determining the content in a cleaning liquid of washing-active substances in the cleaning liquid using a sensor (Page 1, lines 82-100, 114-129; Page 2, lines 21-60). Buttner teaches that the pH of the washing solution, which is indicative of the content of washing-active substances, it compared to an optimum concentration value, which is both appellants' claimed upper and lower value (Page 2, lines 46-60). In the event that the content of washing-active substances is determined to be below the predetermined value, additional cleaning agent is supplied to the cleaning liquid during the cleaning process (Page 1, lines 82-100; Page 2, lines 21-35, 50-60, and 96-107).

Buttner teaches that the controller uses the measured content of washing-active substances in the liquid to control the volume of water supplied to the washing machine and the number of changes of the water (Page 1, lines 82-100 Page 2, lines 21-35, 96-107). It is reasonably expected that this water is fresh water. While Buttner does not expressly disclose supplying fresh water to the cleaning liquid during the at least one cleaning process when the content of washing-active substances is above the

predetermined upper value, it would have been obvious to one of ordinary skill to supply additional water to the cleaning liquid to correct a potential overdosing of cleaning agent with a reasonable expectation of success, since the control system has the capability to control water supply (MPEP 2143 E).

As to claims 24 and 25, Buttner further discloses that the addition of cleaning agent can be stopped once a pre-determined surface tension, which is indicative of the content of washing active-substances, of the washing liquid has been reached, so it is reasonably expected that the cleaning liquid is continuously sensed or sensed at short time intervals and compared to the predetermined optimum value (Page 1, lines 114-129; Page 2, lines 8-14, 46-60). Further, it would have been obvious to one of ordinary skill in the art to modify censoring time intervals through routine experimentation in order to optimize cleaning (MPEP 2144.05 II).

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2052251 to Buttner et al. as applied to claim 11 above, and further in view of USPN 4,509,543 to Livingston et al.

Buttner is relied upon as discussed above with respect to the rejection of claim 11.

As to claims 21 and 22, Buttner does not expressly disclose that the appliance comprises a device for displaying values related to the content of washing-active substances in the cleaning liquid determined by the sensor, whereby an operator can add cleaning agents during the cleaning operation the basis of an indicated

concentration or that the display device includes a component for generating an acoustic signal.

Livingston discloses a monitor (device for displaying values) and controller that is connected to probes (sensor) which determine the amount of detergent and display values to indicate if the detergent content is low (Col. 3, lines 55-65' Col. 4, lines 14-19). Detergent content is a value relating to the content of washing-active substances in the cleaning liquid because detergent contains washing-active substances. If the concentration of the detergent is too low, an operator can add cleaning agents during the cleaning operation (Col. 7, lines 63-68). The display device further includes a component for generating an acoustic signal (Col. 4, lines 14-26; 39-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the appliance taught by Buttner to include a device for displaying values relating to the detergent condition of the dishwasher as taught by Livingston so that an operator can be made aware of the condition of the washing-active substances so that modifications can be made if necessary. One of ordinary skill would have been motivated to include a component for generating an acoustic signal so that an operator can be notified to attend to the dishwasher, even when not in close proximity.

(10) Response to Argument

Regarding the first ground of rejection (see the Appeal Brief at page 7, paragraph beginning "a. Whether claims 11-14 are anticipated under 35 U.S.C. § 102(b) by the Buttner et al. reference (GB 2052251 A)."), appellants first argue that the applied art

does not teach or suggest a dosing device that alternately supplies additional cleaning agent to the cleaning liquid in the event that the sensed content of washing-active substances is below a predetermined lower value and supplies fresh water to the cleaning liquid during the at least one cleaning process in the event that the content of washing-active substance is above a predetermined upper value since, it is alleged, Buttner discloses metering an additive but not metering the supply of water which, it is further alleged, appears to show a distinction between the manner in which the additive is controlled and the manner in which the volume of water is controlled (see the Appeal Brief at page 9, paragraph beginning "Instead, the Buttner"). The position of the Examiner is that the claims rejected under the first ground of rejection are drawn to an apparatus, thus a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Here, Buttner expressly teaches “the steps of measuring at least one of the surface tension, water hardness, and electrical conductivity of washing liquid for the machine with the aid of measuring means of the machine and so controlling the machine program by electrical control means in dependence on such measurement as to control at least one of the volume of water supplied to the machine, the number of changes or such water, and the metering of at least one additive” (Page 1, lines 85-94). Therefore, the dosing device is fully capable of supplying fresh water to the cleaning liquid in the event that the content of washing-active substances is above a predetermined upper value.

It is noted that the claims rejected under the first ground of rejection do not require metering the supply of water. Claim 11, for example, recites "supplies fresh water ... in the event that the content of washing-active substances is above a predetermined upper value". Thus, the claims teach the broad step of "supplying", and that the supplying be performed when the washing-active substances are above a certain value, but do not require that the supplying be metered. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellants next argue that the applied art does not teach or suggest a dosing device that alternately supplies additional cleaning agent to the cleaning liquid in the event that the sensed content of washing-active substances is below a predetermined lower value and supplies fresh water to the cleaning liquid during the at least one cleaning process in the event that the content of washing-active substance is above a predetermined upper value since, it is alleged, Buttner discloses controlling how many rinsing operations are needed which, it is further alleged, appears to be referencing individual rinsing cycles when describing controlling the volume of water supplied to the machine and the number of changes of such water (see the Appeal Brief at page 9, paragraph beginning "Instead, the Buttner"). This argument is not entirely clear to the Examiner. It appears that the appellants may be arguing that the steps of the applied art are not performed "during the cleaning process" as in claim 11, line 7, since they are, allegedly, performed during a rinsing process. If this is what is meant, then the position of the Examiner is that the rinsing process is part of the cleaning process.

Appellants may view the "cleaning process" as only that part of the process wherein a cleaning agent (other than water) is supplied to items to be cleaned, but this narrow interpretation of "cleaning process" is not required in the claims, nor does the specification require that "cleaning process" be so narrowly defined. A broad yet reasonable interpretation of "cleaning process" is a whole process that includes applying an agent, rinsing, drying, etc. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding the second ground of rejection (see the Appeal Brief at page 7, paragraph beginning “b. Whether claims 15-20 and 23-25 are unpatentable under 35 U.S.C. § 103(a) over the Buttner et al. reference.”), appellants first assert that the applied art does not teach or suggest supplying fresh water to the cleaning liquid during the at least one cleaning process in the event that the content of washing-active substances is determined to be above a predetermined upper value (see the Appeal Brief at page 10, last paragraph) and further assert that that the applied art does not teach or suggest supplying fresh water to the cleaning liquid during the at least one cleaning process when the content of washing-active substances above [sic, it is noted that there is an apparent grammatical error in claim 23] the predetermined upper value (see the Appeal Brief at page 11, first paragraph). Since appellants underlined the phrase “during the at least one cleaning process” in the Appeal Brief, it appears that the assertion is that, as apparently argued in response to the first ground of rejection, the

steps of the applied art are not performed "during the cleaning process" since they are, allegedly, performed during a rinsing process. If this is what is meant, then the position of the Examiner is that the rinsing process is part of the cleaning process. Appellants may view the "cleaning process" as only that part of the process wherein a cleaning agent (other than water) is supplied to items to be cleaned, but this narrow interpretation of "cleaning process" is not required in the claims, nor does the specification require that "cleaning process" be so narrowly defined. A broad yet reasonable interpretation of "cleaning process" is a whole process that includes applying an agent, rinsing, drying, etc. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellants next argue that the applied art does not teach or suggest supplying water during the cleaning process since, it is alleged, Buttner discloses metering an additive but not metering the supply of water (see the Appeal Brief at page 11, second paragraph). The position of the Examiner is that the claims do not require metering the supply of water. Claim 15, for example, recites “supplying fresh water ... in the event that the content of washing-active substances is above a predetermined upper value". Thus, the claims teach the broad step of "supplying”, and that the supplying be performed when the washing-active substances are above a certain value, but do not require that the supplying be metered. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellants next repeat the argument that the applied art does not teach or suggest the water being supplied during the cleaning process since, it is alleged, Buttner discloses controlling how many rinsing operations are needed which, it is further alleged, appears to be referencing individual rinsing cycles when describing controlling the volume of water supplied to the machine and the number of changes of such water (see the Appeal Brief at page 11, second paragraph). As previously stated, this argument is not entirely clear to the Examiner. It appears that the appellants may be arguing that the steps of the applied art are not performed "during the cleaning process", since they are, allegedly, performed during a rinsing process. If this is what is meant, then the position of the Examiner is that the rinsing process is part of the cleaning process. Appellants may view the "cleaning process" as only that part of the process wherein a cleaning agent (other than water) is supplied to items to be cleaned, but this narrow interpretation of "cleaning process" is not required in the claims, nor does the specification require that "cleaning process" be so narrowly defined. A broad yet reasonable interpretation of "cleaning process" is a whole process that includes applying an agent, rinsing, drying, etc. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellants next argue that one of ordinary skill in the art would not have had a reason to supply additional water to the cleaning liquid during the cleaning process to correct a potential overdosing of cleaning agent with any reasonable expectation of success since, it is alleged, Buttner does not teach or suggest adding water during the

cleaning process (see the Appeal Brief, page 11, last full paragraph) and since, it is alleged, Buttner discloses controlling how many rinsing operations are needed which, it is further alleged, appears to be referencing individual rinsing cycles when describing controlling the volume of water supplied to the machine and the number of changes of such water (see the Appeal Brief at page 11, paragraph bridging pages 11 and 12). Thus, the argument is apparently an extension of the already discussed arguments that the water additions in the Buttner disclosure are not “during the cleaning process”. If this is what is meant, then the position of the Examiner is that the rinsing process is part of the cleaning process. Appellants may view the "cleaning process" as only that part of the process wherein a cleaning agent (other than water) is supplied to items to be cleaned, but this narrow interpretation of "cleaning process" is not required in the claims, nor does the specification require that "cleaning process" be so narrowly defined. A broad yet reasonable interpretation of "cleaning process" is a whole process that includes applying an agent, rinsing, drying, etc. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellants next assert that the applied art does teach or suggest a control system which supplies, or is capable of supplying fresh water to the cleaning liquid during the cleaning process (see the Appeal Brief, page 12, second full paragraph). The position of the Examiner is that the applied art does disclose a control system which is fully capable of performing this function (see, e.g., Buttner at page 1, lines 6-8 and 89-94 and claim 1).

Appellants next argue that one of ordinary skill in the art would have no reason to supply fresh water to the cleaning liquid during the cleaning process of the applied art if the content of washing-active substances is above a predetermined upper value (see the Appeal Brief at page 12, last full paragraph) and further argue that that Buttner, in fact, teaches away from adding water based on an upper value of washing-active substances since, it is alleged, Buttner is concerned with ensuring that a pH value is brought up to a desired level and adding water would bring the pH value down (see the Appeal Brief, paragraph bridging pages 12 and 13). Initially, the position of the Examiner is that Buttner does not teach away from adding water based on an upper value of washing-active substances since Buttner does not teach that adding water based on an upper value of washing-active substances is bad. Neither silence, nor a teaching to ensure enough pH, amounts to a teaching away from avoiding a pH that is too high.

Indeed, Buttner suggests adding water to the cleaning liquid by disclosing the desirability of achieving and "optimum" concentration, i.e. not too dilute and not too concentrated, and by disclosing "controlling" the water supply, i.e. stopping supply or increasing supply, to adjust various physical properties of the liquid. Regarding, teaching an optimum concentration, Buttner, for example, discloses avoiding a cleaning liquid that is too concentrated by discussing an “optimum" concentration of washing agent (see, e.g. Buttner at page 1, lines 43*-47, 56-58, and 121-126 and page 2, lines 15-18, 25, 26, 30-33, 58, 59 and 78-81). Since there are only two ways in which an avoidance of over concentration can be avoided, i.e. a) not adding to much washing

agent and b) adding more water, Buttner at least suggests to a skilled artisan adding water in order to achieve the optimum concentration.

This suggestion is even more so revealed in the Buttner disclosure to control the water supply. Note that Buttner teaches that the washing agent/water concentration is a factor for three physical properties of the cleaning solution, i.e. water hardness (see Buttner at page 1, lines 36-42), surface tension (see Buttner at page 1, lines 95-99) and electrical conductivity (see Buttner at page 1, lines 95-99), as well as the pH (see Buttner at page 1, lines 95-99). Next, Buttner teaches controlling the water supply due to these physical properties (see Buttner at page 1, lines 86-94). Since "control" suggests not only stopping water supply to adjust these physical properties that have strayed too far one way, but also increasing water supply to adjust these physical properties that have strayed too far the other way, the Buttner disclosure suggests adding water.

Appellants next argue that the final Office action errs in asserting that in the assertion that the selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results (see the Appeal Brief at page 13, last paragraph and page 14, first paragraph). Initially, the Examiner is not clear as to what portion of the final Office action appellants are referring to here. Presumably, appellants are referring to the Office action mailed 03/09/2010 and to a discussion of claims 15 and 23, since those claims are mentioned in this portion of appellants' argument (see the Appeal Brief at page 13, last paragraph). However, there does not appear to be a “selection of any order” assertion made with respect to those claims, or

anywhere else in the final Action. At any rate, the Examiner takes the position that the assertion that selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results is good law (see MPEP 2144.04(IV)(C), citing *In re Burhans*, 154 F.2d 690, 69 USPQ 330 (CCPA 1946)). It is further noted that appellants state that the claimed invention clearly provides new results over the applied art, but do not support this assertion with objective evidence (see the Appeal Brief at page 14, first paragraph, last sentence). However, arguments of counsel cannot take the place of factually supported objective evidence. MPEP 2145.

Since appellants' arguments mention the rinsing of Buttner (see the Appeal Brief at page 14, first paragraph), it appears that this argument may be an extension of the already discussed arguments that the water additions in the Buttner disclosure are not “during the cleaning process”. If this is what is meant, then the position of the Examiner is that the rinsing process is part of the cleaning process. Appellants may view the "cleaning process" as only that part of the process wherein a cleaning agent (other than water) is supplied to items to be cleaned, but this narrow interpretation of "cleaning process" is not required in the claims, nor does the specification require that "cleaning process" be so narrowly defined. A broad yet reasonable interpretation of "cleaning process" is a whole process that includes applying an agent, rinsing, drying, etc. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding the third ground of rejection (see the Appeal Brief at page 8, paragraph beginning “c. Whether claims 21 and 22 are unpatentable under 35 U.S.C. § 103(a) over the Buttner et al. reference in view of the Livingston et al. reference (U.S. Patent No. 4,509,543).”), appellants do not raise any new arguments, but put forth that the references applied to claims 21 and 22 do not cure the alleged deficiencies argued with respect to the claim 11 from which claims 21 and 22 depend, and so claims 21 and 22 are accordingly allowable as depending from allegedly allowable claim (see the Appeal Brief at page 14, last full paragraph, and page 15, second full paragraph). Accordingly, the Examiner takes no new positions with respect to claims 21 and 22 and maintains the positions taken with respect to claim 11.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/E. G./

Examiner, Art Unit 1714

Conferees:

/Christopher A. Fiorilla/

Chris Fiorilla

Supervisory Patent Examiner, Art Unit 1700

/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 1714